

### REMARKS

Claims 1-14 are pending in the application. These claims were all rejected as being anticipated under 35 U.S.C. §102(b) by Levitt, et al. U.S. patent no. 4,731,850.

5 Applicant has amended claim 14 to replace the period with a comma, and thanks the Examiner for bringing this typographical error to Applicant's attention.

Applicant has further amended independent claims 1, 7, 13 and 14 to further clarify the scope of the invention and to distinguish over the Levitt reference. Support for these amendments can be found in the originally filed  
10 Specification at paragraphs [0015] – [0022].

The present invention is advantageous in that it permits a user to configure his own hearing device in various real-life situations, rather than at an acoustician's office in which the real-life situations pertinent to the user are not present.

15 Accordingly, the independent claims have been amended to clarify that the desired setting value that is input is manually done by the hearing device user in the first environment situation. A measuring device measures a particular sound quality in the first environment situation and creates a learned setting value that is based on the measured sound quality and the manually-entered  
20 desired setting. This process can take place for any number of environment situations. Thus, for example, when a second environment situation is determined, previously learned setting values associated with this second

environment situation can be used to automatically adjust the hearing device to the associated values.

In distinguishing the amended claims from Levitt, Applicant makes the following observations. Levitt teaches automatically adjusting a hearing aid to an optimum set of parameter values such as speech level and type of background noise change (6/46-54). The automatic adjustment is based on coefficients stored in RAM 77. These coefficients are provided by an EEPROM 84 that have been previously programmed by a host controller 20 (5/31-35).

In the OA, on p. 2, the Examiner noted that Levitt teaches inputting a desired setting value at a predeterminable point in time, noting Levitt's teaching of the transfer of these parameters from EEPROM to RAM at power up. However, the independent claims as amended now clearly teach that the input is a manual input that is based on a hearing device user's entry.

This distinction is not just an obvious modification on the teaching of Levitt. In Levitt, a very large number of environmental settings must be stored ahead of time in order to match perhaps a relatively few environments that a hearing device user would actually encounter. Furthermore, there may not be a perfect match between one of the previously stored settings and the settings needed by a hearing device user.

The present invention permits the user to configure his own settings without the need for an acoustician, and to perfectly match parameter settings with the environments that the user actually comes in contact with. In other words, the hearing device is configured to associate the user-provided settings

with the user-encountered environmental situations and then to later bring up these settings or settings related to these settings when the measurement device detects this environmental situation again. This is clearly not taught or suggested by Levitt. The further amendments to the claims serve to link the

5 claim elements more tightly together.

Applicant relies on the amendments to the independent claims as adequately serving to distinguish over Levitt with respect to the dependent claims.


For these reasons, the Applicant asserts that the amended claim

10 language clearly distinguishes over the cited prior art, and respectfully request that the Examiner withdraw the §102(b) rejection from the present application.

### CONCLUSION

Inasmuch as each of the objections have been overcome by the amendments, and all of the Examiner's suggestions and requirements have been satisfied, it is respectfully requested that the present application be reconsidered, the rejections be withdrawn and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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### CERTIFICATE OF MAILING

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